

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA and)
THE STATE OF MICHIGAN)
)
Plaintiffs,)
)
v.)
)
NCR CORPORATION,)
)
Defendant.)

Civil Action No. 1:19-cv-1041
Chief Judge Robert J. Jonker
Magistrate Judge Ray Kent

**DECLARATION OF JAMES SARIC IN SUPPORT OF THE UNITED STATES'
MOTION TO ENTER THE CONSENT DECREE WITH NCR CORPORATION**

I, James Saric, declare as follows:

1. I am employed by the United States Environmental Protection Agency (EPA). Since February of 1987, I have been employed by EPA as a Remedial Project Manager in the Superfund Division of EPA's Region 5 office, which is located in Chicago. I have worked since July of 2007 as the Remedial Project Manager (RPM) for the Allied Paper Inc./Kalamazoo River/Portage Creek Superfund Site (Site) in Allegan and Kalamazoo Counties, Michigan.

2. As the RPM for the Site, I have been involved in all aspects of cleanup at the Site and in Operable Unit 5 (OU5), which is 80 miles of the Kalamazoo River and 3 miles of Portage Creek, in particular. Generally, cleanup work in OU5 has proceeded in an upstream to downstream manner. Georgia-Pacific is currently performing the Remedial Investigation and Feasibility Study in OU5 under an Administrative Order on Consent. Georgia-Pacific and International Paper are performing Area 1 Remedial Design (RD) and Remedial Action (RA)

work in Area 1 of OU5. In addition to this work, several removal actions have occurred in OU5 and I have been involved in those removal actions.

3. Cost estimates. Based on my experience at the Site, I estimate total Site costs, not including natural resources damages, to be approximately \$851 million as shown here:

Site Costs		
<u>Site Area</u>	<u>Amount (\$)</u>	<u>Scheduled ROD Date</u>
<u>OU5</u>	\$609,400,00	
Area 1 (currently incurred by GP and IP)	\$23,000,000	2016
Area 2	\$46,400,000	2017
Area 3	\$35,000,000	2020
Area 4	\$175,000,000	2021
Area 5	\$75,000,000	2022
Area 6	\$205,000,000	2026
Area 7	\$50,000,040	2027
<u>OU1</u>	\$63,000,000	2016
<u>Other costs incurred at the Site through removal actions, cleanup of OUs 2-4 & 7, and EPA response costs</u>	\$179,000,000	

Approximately, \$55 million of the costs in Area 4 of OU5 is for a time-critical removal action that NCR has agreed to perform under the Consent Decree. Cost estimates for OU5, Area 2 and OU1 are based on the Record of Decision costs estimates. The cost estimate for OU5, Area 1 is based on RD/RA work performed by Georgia-Pacific and International Paper. Costs estimates for OU5, Areas 3 through 7 are based on existing RI/FS data and Site expenses in other areas of the River. Other costs incurred at the Site are costs that various Parties have incurred at the Site in other operable units or through removal actions, including removal action in OU5, as well as costs EPA has incurred.

4. I was involved in reviewing and selecting the final remedial action for Area 2 of OU5, which was set forth in the Record of Decision (ROD) issued in September 2017, I have reviewed and conditionally approved the Remedial Investigation and Feasibility Study reports

for Area 3 of OU5 , I have reviewed and approved the Remedial Investigation report for Area 4 of OU5, and I was involved in gathering the data to support the time-critical removal action in Area 4 of OU5 (Area 4 TCRA).

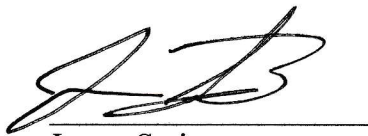
5. The Area 3 ROD has not been issued but, based on the current RI/FS work, the Area 3 RD/RA work will likely consist of excavation of PCB-contaminated sediment and soils, institutional controls, and long-term monitoring.

6. The work NCR is to perform under the Consent Decree is scheduled to be implemented over the next 10 years as follows: Area 4 TCRA from 2020 through 2024; Area 2 RD/RA from 2020 through 2028; and the RD/RA for Area 3 from 2023 through 2029.

7. EPA has money in its Special Account for the Site and, under this Consent Decree, EPA will deposit additional money into the Special Account. EPA intends to use that money for response costs at the Site.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 21st day of May, 2020, in Chicago, Illinois.

A handwritten signature in black ink, appearing to read 'JS', is written over a horizontal line.

James Saric
Remedial Project Manager
U.S. EPA, Region 5
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